



General Assembly

February Session, 2004

Raised Bill No. 5553

LCO No. 1946

01946_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE USE OF MOBILE TELEPHONES AND
MOBILE ELECTRONIC DEVICES BY OPERATORS OF MOTOR
VEHICLES.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2004*) (a) For the purposes of
2 this section:

3 (1) "Hands-free mobile telephone" means a mobile telephone with
4 speakerphone capability or an attachment, add-on component or other
5 additional equipment, whether or not permanently installed, that
6 when used allows the operator of a motor vehicle to maintain both
7 hands on the steering device of such motor vehicle;

8 (2) "Mobile electronic device" means any hand-held or other
9 portable electronic equipment capable of performing personal
10 computer functions, sending or receiving electronic mail, playing
11 video games or digital video disks, or taking or transmitting digital
12 photographs, or any combination thereof, but does not include any
13 audio equipment or any equipment installed in a motor vehicle for the
14 purpose of providing navigation, emergency or other assistance to the

15 operator of such motor vehicle or video entertainment to the
16 passengers of such motor vehicle; and

17 (3) "Mobile telephone" includes, but is not limited to, any cellular,
18 analog, wireless or digital telephone capable of sending or receiving
19 telephone communications without an access line for service.

20 (b) On or after January 1, 2005, no person shall use a mobile
21 telephone while operating a motor vehicle on a public highway or
22 private road unless such person is: (1) Using a hands-free mobile
23 telephone in a mode that allows such person to maintain both hands
24 on the steering device of such motor vehicle, except that this
25 subdivision shall not apply to any holder of a learner's permit or any
26 holder of a motor vehicle operator's license subject to the requirements
27 of section 16 of public act 03-171, as amended; (2) operating such motor
28 vehicle alone and reasonably fears for such person's safety or
29 reasonably believes that a criminal act may be perpetrated against such
30 person; (3) using such mobile telephone to contact an emergency 9-1-1
31 system to report what such person reasonably believes to be an
32 emergency or the commission of a crime or motor vehicle violation; (4)
33 operating a school bus with passengers and is using such mobile
34 telephone to call for assistance in the case of a mechanical breakdown
35 or an emergency that endangers such person or passengers; or (5) a
36 peace officer, as defined in subdivision (9) of section 53a-3 of the
37 general statutes, a firefighter or an operator of an ambulance,
38 authorized emergency vehicle, as defined in subdivision (4) of
39 subsection (a) of section 14-1 of the general statutes, bus, school bus
40 without passengers, taxi cab or tow truck who uses such mobile
41 telephone while acting in the performance of his or her duties and
42 within the scope of his or her employment.

43 (c) On or after January 1, 2005, no person shall use a mobile
44 electronic device to perform any personal computer function, send or
45 receive any electronic mail, play any video game or digital video disk,
46 or take or transmit any digital photograph while operating a motor

47 vehicle on a public highway or private road.

48 (d) Nothing in subsection (b) or (c) of this section shall be construed
49 to prohibit any passenger in a motor vehicle, other than the operator of
50 such motor vehicle, from using a mobile telephone or a mobile
51 electronic device while the motor vehicle is being operated on a public
52 highway or private road.

53 (e) Any law enforcement officer who issues a summons for a
54 violation of subsection (b) or (c) of this section shall record, on any
55 summons form issued in connection with the matter, the specific
56 nature of any distracted driving behavior observed by such officer that
57 contributed to the issuance of such summons.

58 (f) Any person who violates subsection (b) or (c) of this section shall,
59 for a first violation, have committed an infraction and be fined not
60 more than seventy-five dollars, for a second violation, be fined not
61 more than one hundred fifty dollars and, for a third or subsequent
62 violation, be fined not more than two hundred fifty dollars.

63 Sec. 2. Subsection (b) of section 51-164n of the general statutes, as
64 amended by section 9 of public act 03-136, section 12 of public act 03-
65 202 and section 5 of public act 03-267, is repealed and the following is
66 substituted in lieu thereof (*Effective October 1, 2004*):

67 (b) Notwithstanding any provision of the general statutes, any
68 person who is alleged to have committed (1) a violation under the
69 provisions of section 1-9, 1-10, 1-11, 4b-13, as amended, 7-13, 7-14, 7-35,
70 7-41, 7-83, 7-283, 7-325, 7-393, 8-25, as amended, 8-27, 9-63, 9-296, 9-305,
71 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-
72 170aa, as amended, 12-292, as amended, or 12-326g, subdivision (4) of
73 section 12-408, as amended, subdivision (3), (5) or (6) of section 12-411,
74 as amended, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107,
75 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, as amended, 13a-124, 13a-
76 139, 13a-140, 13a-143b, 13a-247, as amended, or 13a-253, subsection (f)
77 of section 13b-42, as amended, section 13b-90, 13b-221, 13b-292, as

78 amended, 13b-336, 13b-337, as amended, 13b-338, 13b-410a, 13b-410b
79 or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
80 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
81 of section 14-34a, subsection (d) of section 14-35, as amended, section
82 14-43, 14-49, as amended, 14-50a, as amended, or 14-58, as amended,
83 subsection (b) of section 14-66, as amended, section 14-66a, 14-66b or
84 14-67a, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-
85 103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first
86 violation as specified in subsection (f) of section 14-164i, section 14-219
87 as specified in subsection (e) of said section, section 14-240, 14-249 or
88 14-250, subsection (a), (b) or (c) of section 14-261a, section 14-262, as
89 amended, 14-264, 14-267a, as amended, 14-269, 14-270, 14-275a, 14-278
90 or 14-279, subsection (e) of section 14-283, section 14-291, 14-293b, 14-
91 319, 14-320, 14-321, as amended, 14-325a, 14-326, 14-330 or 14-332a,
92 subdivision (1), (2) or (3) of section 14-386a, subsection (b) or (c) of
93 section 1 of this act, section 15-33, subsection (a) of section 15-115,
94 section 16-256, 16-256e, 16a-15, as amended, or 16a-22, subsection (a) or
95 (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-
96 465, 17a-642, 17b-124, as amended, 17b-131, as amended, 17b-137 or
97 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39
98 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105,
99 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297,
100 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425,
101 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or 20-324e,
102 subsection (a) of section 20-341, section 20-341l, 20-597, 20-608, 20-610,
103 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25,
104 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-
105 61, as amended, 21a-63, as amended, or 21a-77, subsection (b) of
106 section 21a-79, as amended, section 21a-85, 21a-154, 21a-159, as
107 amended, 21a-201, 21a-211, 22-13, 22-14, as amended, 22-15, 22-16, 22-
108 29, 22-34, as amended, 22-35, as amended, 22-36, as amended, 22-37, as
109 amended, 22-38, as amended, 22-39, as amended, 22-39a, 22-39b, as
110 amended, 22-39c, 22-39d, as amended, 22-39e, as amended, 22-49, 22-
111 54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, as

112 amended, 22-280a, 22-318a, as amended, 22-320h, 22-324a, as amended,
 113 22-326 or 22-342, subsection (b) or (e) of section 22-344, section 22-359,
 114 22-366, 22-391, 22-413, 22-414, as amended, 22-415, as amended, 22a-
 115 66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of
 116 section 22a-256h, section 22a-449, as amended, 22a-461, 23-37, 23-38,
 117 23-46 or 23-61b, subsection (a) or (b) of section 23-65, section 25-37, 25-
 118 40, as amended, 26-19, 26-21, 26-31, 26-40, 26-40a, as amended, 26-49,
 119 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-
 120 131, 26-132, 26-138, 26-141, 26-207, 26-215, as amended, 26-224a, as
 121 amended, 26-227, as amended, 26-230, as amended, 26-294, 28-13, 29-
 122 6a, 29-109, 29-161a, 29-161b, 29-198, 29-210, 29-243, 29-277, 29-316, 29-
 123 318, 29-341, 29-381, as amended, 30-48a, 30-86a, as amended, 31-3, 31-
 124 10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-
 125 28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k,
 126 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-
 127 70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section
 128 31-273, section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658,
 129 subdivision (13) or (14) of section 46a-54, as amended, section 46a-59,
 130 46b-22, 46b-24, as amended, 46b-34, 47-34a, as amended, 47-47, 49-8a,
 131 as amended, 49-16 or 53-133, subsection (a) or (b) of section 53-211, or
 132 section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-
 133 321, 53-322, 53-323, 53-331, 53-344, as amended, 53-450 or subsection
 134 (a) of section 8 of [this act] public act 03-136, or (2) a violation under
 135 the provisions of chapter 268, or (3) a violation of any regulation
 136 adopted in accordance with the provisions of section 12-484, 12-487 or
 137 13b-410, shall follow the procedures set forth in this section.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

Statement of Purpose:

To establish restrictions on the use of a mobile telephone or mobile electronic device when operating a motor vehicle on a public highway or private road.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]